

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI
SOUTHEASTERN DIVISION

ACUITY, A MUTUAL INSURANCE)
COMPANY,)
)
Plaintff,)
)
vs.) Cause No. 1:23-cv-00015-SNLJ
)
JVANWINKLE TRUCKING, LLC,)
PGT TRUCKING, INC,)
NINA L. MARSHALL,)
LORA B. SCHUMER,)
EDWARD J. HUNTER,)
MAXWELL W. HUNTER,)
L.H., a minor,)
REBECCA HUNTER,)
COLIN A. KEELE,)
KEATON R. WATSON,)
BUCKLEY POWDER CO.,)
AMERICAL FAMILY MUTUAL)
INSURANCE COMPANY,)
STATE FARM MUTUAL AUTOMOBILE)
INSURANCE COMPANY,)
MISSOURI DEPARTMENT OF)
TRANSPORTATION,)
STARR INDEMNITY & LIABILITY COMPANY,)
LIBERTY MUTUAL INSURANCE COMPAY,)
SAINT FRANCIS MEDICAL CENTER,)
)
Defendants.)

**DEFENDANT PGT TRUCKING, INC.'S ANSWER TO FIRST AMENDED
COMPLAINT FOR INTERPLEADER PURSUANT TO 28 U.S.C. §1335**

COMES NOW Defendant PGT Trucking, Inc. and for its Answer to First Amended
Complaint for Interpleader Pursuant to 28 U.S.C. §1335, states as follows:

THE PARTIES

1. This Defendant is without sufficient information or knowledge to either admit or deny the allegations contained in Paragraph 1 and therefore denies same.

2. This Defendant is without sufficient information or knowledge to either admit or deny the allegations contained in Paragraph 2 and therefore denies same.

3. This Defendant is without sufficient information or knowledge to either admit or deny the allegations contained in Paragraph 3 and therefore denies same.

4. This Defendant is without sufficient information or knowledge to either admit or deny the allegations contained in Paragraph 4 and therefore denies same.

5. This Defendant is without sufficient information or knowledge to either admit or deny the allegations contained in Paragraph 5 and therefore denies same.

6. This Defendant is without sufficient information or knowledge to either admit or deny the allegations contained in Paragraph 6 and therefore denies same.

7. This Defendant is without sufficient information or knowledge to either admit or deny the allegations contained in Paragraph 7 and therefore denies same.

8. This Defendant is without sufficient information or knowledge to either admit or deny the allegations contained in Paragraph 8 and therefore denies same.

9. This Defendant is without sufficient information or knowledge to either admit or deny the allegations contained in Paragraph 9 and therefore denies same.

10. This Defendant is without sufficient information or knowledge to either admit or deny the allegations contained in Paragraph 10 and therefore denies same.

11. Defendant admits the allegations contained in Paragraph 11.

12. This Defendant is without sufficient information or knowledge to either admit or deny the allegations contained in Paragraph 12 and therefore denies same.

13. This Defendant is without sufficient information or knowledge to either admit or deny the allegations contained in Paragraph 13 and therefore denies same.

14. This Defendant is without sufficient information or knowledge to either admit or deny the allegations contained in Paragraph 14 and therefore denies same.

15. This Defendant is without sufficient information or knowledge to either admit or deny the allegations contained in Paragraph 15 and therefore denies same.

16. This Defendant is without sufficient information or knowledge to either admit or deny the allegations contained in Paragraph 16 and therefore denies same.

17. This Defendant is without sufficient information or knowledge to either admit or deny the allegations contained in Paragraph 17 and therefore denies same.

18. This Defendant is without sufficient information or knowledge to either admit or deny the allegations contained in Paragraph 18 and therefore denies same.

19. This Defendant is without sufficient information or knowledge to either admit or deny the allegations contained in Paragraph 19 and therefore denies same.

20. This Defendant is without sufficient information or knowledge to either admit or deny the allegations contained in Paragraph 20 and therefore denies same.

JURISDICTION AND VENUE AS TO STATUTORY INTERPLEADER

21. With respect to the allegations contained in Paragraph 21 they state legal conclusions, however, this Defendant admits this Honorable Court has original jurisdiction.

22. With respect to the allegations contained in Paragraph 22 they state legal conclusions, however, this Defendant admits that the Honorable Court has personal jurisdiction.

23. With respect to the allegations contained in Paragraph 23 they state legal conclusions, however, this Defendant admits venue is proper.

FACTUAL BACKGROUND

24. This Defendant admits the allegations contained in Paragraph 24.

25. This Defendant admits the allegations contained in Paragraph 25.

26. This Defendant is without sufficient information or knowledge to either admit or deny the allegations contained in Paragraph 26 and therefore denies same.

27. This Defendant admits the allegations contained in Paragraph 27.

28. This Defendant is without sufficient information or knowledge to either admit or deny the allegations contained in Paragraph 28 and therefore denies same.

29. This Defendant is without sufficient information or knowledge to either admit or deny the allegations contained in Paragraph 29 and therefore denies same.

30. This Defendant is without sufficient information or knowledge to either admit or deny the allegations contained in Paragraph 30 and therefore denies same.

31. This Defendant is without sufficient information or knowledge to either admit or deny the allegations contained in Paragraph 31 and therefore denies same.

32. This Defendant admits it has a potential interest in the disposition of the proceeds and resolution of competing claims and that it acted as a broker but denies all other allegations contained in Paragraph 32.

33. This Defendant is without sufficient information or knowledge to either admit or deny the allegations contained in Paragraph 33 and therefore denies same.

COUNT I – INTERPLEADER

34. Defendant restates and realleges its responses to Paragraphs 1 through 33, as if fully set forth herein.

35. This Defendant is without sufficient information or knowledge to either admit or deny the allegations contained in Paragraph 35 and therefore denies same.

36. This Defendant is without sufficient information or knowledge to either admit or deny the allegations contained in Paragraph 36 and therefore denies same.

37. This Defendant admits that defendants Marshall and Schumer have filed lawsuits and can neither admit nor deny the remaining allegations contained in Paragraph 37, and therefore denies same.

38. This Defendant is without sufficient information or knowledge to either admit or deny the allegations contained in Paragraph 38 and therefore denies same.

WHEREFORE, Defendant PGT Trucking, Inc., having fully responded to Plaintiff's First Amended Complaint for Interpleader, respectfully requests this Court dismiss Plaintiff's Complaint, for its costs, and for such other and further relief as this Court deems just and proper.

Respectfully submitted,

/s/ Joseph R. Swift
Joseph R. Swift #37241
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Attorneys for Defendant PGT Trucking, Inc.

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing pleading was served by the Court's electronic filing system on this 11th day of May, 2023, on all counsel of record.

/s/ Joseph R. Swift